

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY D. HARVEY,

Petitioner,

vs.

TROY STEELE,

Respondent.

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Case No. 4:14-cv-01663-JAR

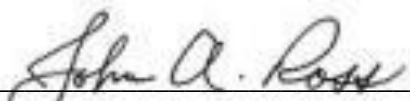
MEMORANDUM AND ORDER

This matter is before the Court upon review of the case file. In Ground Two of the Petition, Petitioner alleges that the trial court plainly erred in entering its written sentence and judgment on Count IV because it did not conform to the oral pronouncement. Specifically, Petitioner indicates that the lower court orally pronounced a sentenced of 30 years on Counts I and II and then 15 years on Counts III and IV, to run concurrently, but then indicated in the written judgment a sentence of 30 years on Count IV. On direct appeal, the Missouri Court of Appeals modified Petitioner's sentence to reflect the oral pronouncement. In its Motion for Extension of Time filed December 16, 2014, the Government indicated that it needed additional time to respond to the Petition so that it could review whether the Missouri Department of Corrections had changed its recording of Petitioner's sentence to reflect the relief given by the Missouri Court of Appeals. On December 30, 2014, the Government filed its response. However, the response does not address whether the Missouri Department of Corrections has changed its recording of Petitioner's sentence.

Accordingly,

IT IS HEREBY ORDERED that the Government submit a supplemental filing on or before **January 20, 2015** addressing whether the Missouri Department of Corrections has changed its recording of Petitioner's sentence to reflect the relief given by the Missouri Court of Appeals.

Dated this 12th day of January, 2015.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE